

**EXHIBIT H****UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA****Drew J. Ribar,**

Plaintiff,

v.

**State of Nevada ex rel. Nevada Department of Corrections, Carson City, et al.,**  
Defendants.**Case No. 3:24-cv-00103-ART-CLB****EXHIBIT H – Nevada Pretrial Risk Assessment and Judicial Response Form***(Bates Nos. EX018–EX021)***Filed in Support of Amended Complaint and Summary Judgment Motion (Fed. R. Civ. P.****56)**

Plaintiff Drew J. Ribar, pro se, submits Exhibit H, comprising the Nevada Pretrial Risk Assessment (NPRA, Bates Nos. EX019–EX020) and Carson City Justice and Municipal Court Judicial Response form (Bates Nos. EX021), obtained via discovery in Case No. 22 CR 01231 1C (dismissed). Filed manually per LR IC 2-2 with a Notice of Manual Filing, this exhibit provides standalone post-arrest evidence, cross-referencing Exhibits C–F to support Plaintiff's Rule 56 motion and constitutional claims.

**Key Evidence and Legal Violations**

PLEADING TITLE - I

Section	Incident	Legal Relevance	Cross-Reference
		Demonstrates charging inconsistency supporting <i>malicious prosecution</i>	
<b>NPRA</b> <i>(Bates</i> <i>EX018-</i> <i>EX020)</i>	Lists two charges under the Fourth Amendment (NRS 207.200, NRS 197.190) instead of 2022); flawed pretrial process violates procedural due process under the Cause Declaration; Fourteenth Amendment ( <i>Mathews v. Eldridge</i> , 424 U.S. 319, 1976); arrest incomplete risk scoring.	Exhibit F (Probable cause, three charges); Exhibit C, 01:05:13.333 (no signage); Exhibit D, 0:20:56 (no obstruction basis).	
		pretext linked to protected filming activity ( <i>Fordyce v. Seattle</i> , 55 F.3d 436, 9th Cir. 1995).	
<b>Judicial Response</b> <i>(Bates</i> <i>EX021-</i> <i>EX022)</i>	Reflects lack of judicial oversight and failure to implement least-restrictive means per NRS 178.4851; procedural blank form—no bail set, no release conditions checked.	means per NRS 178.4851; procedural due process violation ( <i>Parratt v. Taylor</i> , 451 U.S. 527, 1981); supports inference of retaliation ( <i>Nieves v. Bartlett</i> , 139 S. Ct. 1715, 2019; <i>Board of County Comm'r's v. Umbehr</i> , 518 U.S. 668, 1996).	Exhibit E, 0:01:04–0:01:20 (threats to Plaintiff's business); Exhibit F, pages 2–3.

1    **Legal Claims Supported**

- 2
- 3    • **First Amendment** (*42 U.S.C. § 1983*): Plaintiff's arrest and post-arrest processing were  
4    initiated in retaliation for lawful recording (*Fordyce, Glik v. Cunniffe*, 655 F.3d 78;  
5    *Irizarry v. Yehia*, 38 F.4th 1282; *Nieves, Umbehr*; NRS 171.1233).  
6
- 7    • **Fourth Amendment** (*42 U.S.C. § 1983*): Malicious prosecution via inconsistent  
8    charging (*Thompson*), and extended seizure without legal justification (*Soldal v. Cook*  
9    *County*, 506 U.S. 56, 1992; *Rodriguez v. United States*, 575 U.S. 348, 2015).  
10
- 11    • **Fifth Amendment:** Late Miranda warning acknowledged but not addressed in judicial  
12    processing (*Miranda v. Arizona*, 384 U.S. 436, 1966), supported by Exhibit D, 0:20:56.  
13
- 14    • **Fourteenth Amendment:** Deficient pretrial process violates procedural due process  
15    (*Mathews, Parratt*); economic harm to Plaintiff's livelihood due to retaliatory arrest  
16    supports substantive due process claims (*Meyer v. Nebraska*, 262 U.S. 390, 1923; *County*  
17    *of Sacramento v. Lewis*, 523 U.S. 833, 1998).  
18
- 19    • **Municipal Liability (Monell):** CCSO's practice of retaliatory enforcement is evidenced  
20    by:  
21         ○ Exhibit E, 0:01:20 ("my bosses");  
22         ○ Exhibit C, 01:01:33.500 ("we want it gone" re: Plaintiff's truck);  
23         ○ and the blanket, unchecked judicial form (Exhibit H, EX021–EX022).  
24         These acts, individually and cumulatively, show custom or tolerance of retaliation  
25         (*Monell v. Dept. of Soc. Servs.*, 436 U.S. 658, 1978).  
26
- 27    • **State Law Claims (28 U.S.C. § 1367):**  
28         ○ False imprisonment (NRS 200.460);

- 1           ○ Oppression under color of law (NRS 197.200);  
2           ○ Intentional interference with prospective economic advantage (via A&A Towing,  
3           Inc.).  
4
- 

5

6 **Summary Judgment Purpose (Fed. R. Civ. P. 56)**

7

8

9 These post-arrest processing flaws—including inconsistent charging, incomplete risk assessment,  
10 and judicial inaction—contradict constitutional standards and reinforce the retaliatory motives  
11 documented in Exhibits C–F. Combined with video and documentary evidence, Exhibit H  
12 establishes **undisputed facts** that preclude a genuine dispute as to material facts, entitling  
13 Plaintiff to judgment as a matter of law.

14

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15

16 **Qualified Immunity Defeat**

17

18 Defendants' actions violated clearly established rights per *Pearson v. Callahan*, 555 U.S. 223  
19 (2009):

20

- 21
- 22       • **First Amendment retaliation** (*Fordyce, Nieves, Umbehr*);  
23       • **Fourth Amendment** malicious prosecution (*Thompson, Soldal*);  
24       • **Fifth and Fourteenth Amendment** violations (*Miranda, Mathews, Parratt*);  
25       • **Municipal liability** via *Monell* (patterns of inaction and retaliatory towing/arrest).
- 26
- 27
- 28

1 Defendants' conduct was **objectively unreasonable**, not negligent, and no "security" or  
2 "caretaking" rationale justifies their actions (*Kingsley v. Hendrickson*, 576 U.S. 389, 2015;  
3 *Harlow v. Fitzgerald*, 457 U.S. 800, 1982).  
4  
5

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6  
7 **Authentication**

8  
9 Per Fed. R. Evid. 901, I, Drew J. Ribar, declare under penalty of perjury that the Nevada Pretrial  
10 Risk Assessment (Bates EX018–EX020) and Judicial Response form (Bates EX021–EX022)  
11 were obtained via discovery in Case No. 22 CR 01231 1C and accurately reflect Defendants'  
12 post-arrest actions on August 30, 2022.  
13

14 Dated: March 27, 2025  
15

16 /s/ **Drew J. Ribar**

17 Drew J. Ribar

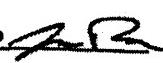
18 3480 Pershing Ln

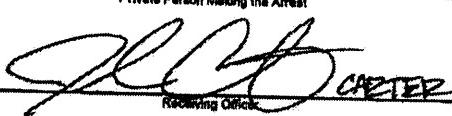
19 Washoe Valley, NV 89704

20 Tel: (775) 223-7899

21 Email: Const2Audit@gmail.com

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Peace Officer ID Number 5443

  
Carter

6433 8/30/22 1507 hrs.  
ID Number Date Time

EXO16

Case Number: 2022-5359

DECLARATION OF PROBABLE CAUSE	
DEFENDANT=S NAME ARRESTEE NO. A-1 Ribar, Drew Joseph	DEFENDANT=S NAME ARRESTEE NO. A-3
DEFENDANT=S NAME ARRESTEE NO. A-2	DEFENDANT=S NAME ARRESTEE NO. A-4

The undersigned declarant, a Peace Officer of the City-County of Carson City, hear by declares under penalty of perjury, that the above-named defendant (or defendants) has been arrested on probable cause and is subject to detention for the offense(s) stated on the attached criminal complaint. Either personally or upon information and belief this officer learned the following facts and circumstances which support the arrest and detention:

On 8/30/2022 at 1353 hours, I responded to 1721 Snyder Ave, Northern Nevada Correctional Center (NNCC) in reference to a suspicious subject on prison property. Prison Officials advised Dispatch, a male subject was parked on prison property, refusing to leave. We routinely respond to prisons in Carson City for suspicious activity, especially vehicles, due to concerns of potential involvement in escape.

Upon arrival, I made contact with Sgt. Smith from Nevada Department of Corrections, he described responding to meet with a male subject, later identified as Drew Ribar, who parked on the prison entrance road and began filming restricted areas. Sgt. Smith advised Drew the area was restricted State property and he was not authorized to remain on the property or continue his activities. Sgt. Smith instructed Drew on how to obtain authorization to film on the prison grounds, but the subject refused and began walking toward the main prison gates, while filming the area, including fence lines and security measures as well as private vehicles of staff in the parking lot.

Due to the security risk posed to the property, staff and inmates, as Drew was uncooperative and ignoring lawful orders to leave and without knowing his further intentions, Sgt. Smith initiated a lock down of the entire facility and surrounding areas. This includes moving hundreds of inmates and staff to secure locations and verifying everyone is accounted for and the facility is secure.

As the Drew approached the main gates and fence line, Lt. Aaron Ryer contacted him and told him multiple times to leave the property. Drew refused all orders to leave and continued filming the sensitive security areas.

Warden Frazier Fernandeis, was alerted to the situation and contacted Drew in front of the administrative building. Warden Fernandeis asked Drew to identify himself, but Drew refused. Warden Fernandeis then repeated orders to leave the property immediately and to cease filming security measures on the property. Drew refused and continued disrupting all operations in the facility and on the property.

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold the said person for preliminary hearing (if offense charged is a felony or gross misdemeanor) or for trial (if charge is a misdemeanor).

DECLARANT: Dep. Bueno JR ID NO: 5443

PRIVATE PERSON MAKING ARREST (CITIZEN ARREST):	PRIVATE PERSON=S ADDRESS:	
ARRESTING OFFICER: <u>Dep. J. Bueno #5443</u>	DAYS OFF: <u>SAT/SUN/MON</u> DAY SHIFT	REVIEWING SUPERVISOR AND ID NO.

REVIEWED FOR PROBABLE CAUSE (PC)  
PC FOUND  PC NOT FOUND  DATE \_\_\_\_\_ TIME \_\_\_\_\_ , MAGISTRATE

ORDER TO RELEASE DEFENDANT  
FROM CUSTODY DATE \_\_\_\_\_ TIME \_\_\_\_\_ , MAGISTRATE

EX 017

Case Number: 2022-5359

<b>DECLARATION OF PROBABLE CAUSE</b>	
DEFENDANT=S NAME ARRESTEE NO. A-1 Ribar, Drew Joseph	DEFENDANT=S NAME ARRESTEE NO. A-3
DEFENDANT=S NAME ARRESTEE NO. A-2	DEFENDANT=S NAME ARRESTEE NO. A-4

The undersigned declarant, a Peace Officer of the City-County of Carson City, hear by declares under penalty of perjury, that the above-named defendant (or defendants) has been arrested on probable cause and is subject to detention for the offense(s) stated on the attached criminal complaint. Either personally or upon information and belief this officer learned the following facts and circumstances which support the arrest and detention:

I spoke with Warden Fernandeis, who confirmed Drew was asked to identify himself, but he refused. Confirmed Drew was asked to leave multiple times, but he refused, causing severe disruption of all operations on the property. Confirmed he was filming security measures and fence lines around the facility, posing a safety and security risk. Confirmed Drew was advised the proper way to access the property officially to conduct his business, but he refused.

Warden Fernandeis requested Drew be taken into custody. I placed Drew in handcuffs, ensured proper fit and secured him in my patrol vehicle. Drew wanted to debate and argue his position and rights. He was Mirandized, though he declined to answer questions, opting to continue with his own. I declined to debate the situation with him further and transported him to the jail where he was booked for Trespassing, Obstructing and Public Officer and Disturbing the Peace of Public Grounds.

NFI

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold the said person for preliminary hearing (if offense charged is a felony or gross misdemeanor) or for trial (if charge is a misdemeanor).

DECLARANT: Dep. Bueno ID NO: 5443

PRIVATE PERSON MAKING ARREST (CITIZEN ARREST):	PRIVATE PERSON=S ADDRESS:	
ARRESTING OFFICER: <u>Dep. J. Bueno #5443</u>	DAY OFF <u>SAT/SUN/MON</u> DAY SHIFT	REVIEWING SUPERVISOR AND ID NO.

REVIEWED FOR PROBABLE CAUSE (PC)  
PC FOUND  PC NOT FOUND  DATE \_\_\_\_\_ TIME \_\_\_\_\_ , MAGISTRATE

ORDER TO RELEASE DEFENDANT  
FROM CUSTODY DATE \_\_\_\_\_ TIME \_\_\_\_\_ , MAGISTRATE

EX018

## NEVADA PRETRIAL RISK ASSESSMENT (NPRA)

Case/Booking#: 22-5359

Assessment Date: 8 / 30 / 2022 County:

Military Status: n/a

Defendant's Name: Ribar, Drew

DOB: 5 / 9 / 1968 Place of Birth: Unknown

Contact Phone#: Not Provided

Address: 3480 Pershing Ln

Washoe Valley Nevada 89704  
City State Zip

**Demographic Information (optional):** Gender:  Male  Female  
 Race:  Hispanic/White  African American  American Indian/Alaska Native  Asian  Native Hawaiian/Pacific Islander  
 Primary Language:  English  Spanish  Chinese  French  Other:

**Arrest Information:**

Arresting Agency CCSO

Arrest Date: 8 / 30 / 2022 PCN#

NOC Level Description

Count	NOC	Level Description	Count
1	53166 M	Trespassing	
1	52312 M	Obstructing	

Most Serious Charge: Obstructing

Initial Total Bail Set: \$ 879

# of Current Charges: 2

**SCORING GUIDE**

1. Does the Defendant Have a Pending Pretrial Case at Booking?  
 a. Yes - 2 pts. If yes, list case # and jurisdiction: \_\_\_\_\_ 0
2. Age at First Arrest (include juvenile arrests)  
 a. 20 yrs. and under - 2 pts. First Arrest Date: 8 / 30 / 2022 0  
 b. 21-35 yrs. - 1 pt.  
 c. 36 yrs. and over - 0 pts.
3. Prior Misdemeanor Convictions (past 10 years) 0  
 a. None - 0 pts.  
 b. One to five - 1 pt.  
 c. Six or more - 2 pts.
4. Prior Felony/Gross Misd. Convictions (past 10 years) 0  
 a. None - 0 pts.  
 b. One or more - 1 pt.
5. Prior Violent Crime Convictions (past 10 years) 0  
 a. None - 0 pts.  
 b. One - 1 pt.  
 c. Two or more - 2 pts.
6. Prior FTAs (past 24 months) 0  
 a. None - 0 pts.  
 b. One FTA Warrant - 1 pt.  
 c. Two or more FTA Warrants - 2 pts.
7. Employment Status at Arrest 0  
 a. Verifiable Full/Part-time Employment - 0 pts.  
 (e.g. Self-employed, Disabled and receiving benefits, Student, Retired, Military, Stay at Home Parent, etc.)  
 b. Unemployed - 1 pt.
8. Residential Status 1  
 a. Nevada Resident - living in current residence 6 months or longer - 0 pts.  
 b. Nevada Resident - not lived in same residence 6 months or longer - 1 pt.  
 c. Homeless or non-Nevada Resident - 2 pts.
9. Substance Abuse (past 10 years) 1  
 a. Other - 0 pts.  
 b. Prior multiple arrests for drug use or possession/alcohol/drunkenness - 2 pts.
10. Verified Cell and/or Landline Phone 0  
 a. Yes - 0 pts. If yes, list #: \_\_\_\_\_ 1  
 b. No - 1 pt.

TOTAL SCORE: 3

Updated 04/21/2022

EX019

Risk Level (Check One):  LOW (0-4 pts.)  MODERATE (5 - 8 pts.)  HIGHER (9+ pts.) OVERRIDE?: Yes  No

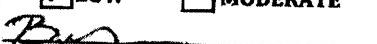
Override Reason(s): Mental Health  Disability  Gang Member  Flight Risk

Prior Record More Severe than Scored

Prior Record Less Severe Than Scored

Other, explain:

Final Recommended Risk Level:  LOW  MODERATE  HIGHER

Supervisor/Designee Signature: 

Date: 8 / 30 / 2022

Interview Date: 8 / 30 / 2022

Comments: Ribar came in verbally uncooperative with both arresting deputies and jail staff. He refused to answer not only the NPRA questions but booking related questions as well. He has no criminal history and scored low on the NPRA. It is unknown how accurate the score on the NPRA is due to him not answering questions. He is being held over for judicial review.

I hereby affirm that I administered the Nevada Pretrial Risk Assessment Tool following the training I received and certify my recommendation.

Print Sheriff Support Specialist or Deputy name: Brittany Schreier Initials: BS Badge # 9647  
 Print Supervisor name: J-L R. Herkley Initials: MR Badge # 349

## Carson City Justice and Municipal Court

Defendant's Name: Ribar, DrewCase/Booking#: 22-5359 Judge: Tom Armstrong Judge: Kristin Luis Judge:**Judicial Response**

- A)  Own Recognizance Release. Report to the Department of Alternative Sentencing at 885 East Musser Street, Suite 2080, upon release or next business day.
- B)  Bail to remain as set on warrant. Report to Alternative Sentencing upon release or next business day.
- C)  Impose bail \$ \_\_\_\_\_
- D)  Cash only bail

## E) Court Imposed Conditions include:

- Attend Court on Time drug/alcohol free.*
- Immediately inform the Court of your current residence and phone number and notify the court of any changes.*
- Report to the Department of Alternative Sentencing immediately upon release from jail, if closed report at 8:30 a.m. the following business day for an intake interview. DAS is located on the second floor of the courthouse at 885 East Musser Street, Suite 2080. Do not report to DAS for traffic charges unless the charge(s) involve Driving Under the Influence.*
- Obey all laws.*
- Contact your attorney and maintain contact as they require.*
- Do not drive without valid driver's license, insurance and registration.
- Do not contact the alleged victim(s) in person, in writing, by phone, by social media, computer or e-mail, from a detention facility, through another person, or any other method. Do not go within 100 yards of alleged victim(s) \_\_\_\_\_

- Felony DUI: SCRAM Monitor is required prior to release
- Do not possess or consume alcohol, marijuana, illegal drugs, or drug paraphernalia.
- Do not possess weapon(s).
- Pretrial supervision.
- Report for color code testing.
- Search and seizure for alcohol, drugs, and drug paraphernalia.
- Search and seizure for weapons.
- Other: \_\_\_\_\_

F)  Other Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The Court has reviewed the Nevada Pretrial Release Assessment and finds that the above bail and/or condition(s) of release are the least restrictive means necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court. This document is ordered to be filed with the clerk of the court and be made part of the official court record. (NRS 178.4851)*

Date \_\_\_\_\_

Judge Signature \_\_\_\_\_

EX021